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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

SAM ALLEN,)	
)	
Plaintiff,)	
)	
v.)	
)	
CORNELIUS AARON PETTUS, JR.,)	
DEORMAN LEVI STOUT, and)	
MUNICIPALITY OF ANCHORAGE,)	
)	
Defendants,)	Case No. 3:21-cv-00136-JMK
)	

PLAINTIFF'S MOTION TO COMPEL DISCOVERY

COMES NOW the plaintiff, by and through counsel, and moves to compel discovery from Cornelius Pettus, Jr., including video of the event in question, statements, and interviews relating to the incident. F.R.C.P. 26(a) and 37(c).

On March 30, 2022, the parties filed a joint stipulation to extend deadlines by six months as Mr. Pettus was awaiting trial in the underlying criminal matter Case No. 3:20-cr-00100-SLG-MMS. See Joint Stipulation to Extend Deadlines at docket #30. On

November 4, 2022, the parties filed another stipulation to extend deadlines. See docket #33. At that time, it appeared that Mr. Pettus' criminal issues were close to resolution. Since that time, Mr. Pettus resolved his criminal matter, but he declines to provide the relevant materials in this case including video, statements and interviews which are subject to disclosure. F.R.C.P. 26(a)(1)(A)(ii).

When a party fails to provide information subject to Rule 26(a), the court may sanction with payment of expenses, informing the jury of the party's failure, or impose other appropriate sanction. F.R.C.P. 37(c)(1).

Mr. Allen, through counsel, attempted to obtain this information without court intervention, but was unsuccessful. See Affidavit of Counsel (Ex. 1). He now moves to compel disclosure of the relevant materials in Mr. Pettus' possession.

CONCLUSION

Mr. Allen requests that the court order Mr. Pettus to provide all video, statements, interviews, and any other material subject to F.R.C.P. 26(a) which he may be withholding. F.R.C.P. 37(c)(1).

DATED in Anchorage, Alaska this 16th day of February, 2023.

BARBER & ASSOCIATES, LLC
Attorneys for Plaintiff

By: /s/ Jeff Barber
JEFF BARBER
AK Bar #0111058

CERTIFICATE OF SERVICE

hereby certify that on this 16th of August, 2023,
a copy of the foregoing was served by email
to the following:

Clinton M. Champion
champion@alaskalaw.pro

/s/Angie Miller
Angie Miller